

STATE OF NEW HAMPSHIRE
INTRA-DEPARTMENT COMMUNICATION



FROM Matt Urban
Wetlands Program Manager

DATE May 16, 2016
AT (OFFICE) Bureau of Environment

SUBJECT Wetland Bureau Permit # 2015-01656
Lancaster, 40522

TO Wendy Johnson, Bureau of Highway Design

Forwarded herewith, for your files and further use as appropriate, is a copy of the approved Emergency After-the-Fact follow up permit as approved by the Wetlands Bureau and the Water Division on 05/04/2016.

Please note specific conditions on permit.

TERRAIN ALTERATION

Note that the non-site specific permit (RSA 485-A: 17 "Terrain Alteration") is part of this Wetlands Bureau Permit.

WATER QUALITY CERTIFICATION

- ☒ This permit covers the project's consideration for Water Quality protection and no further action is required by this office.
- ☐ This permit does not cover the Water Quality protection for this project. However, a Water Quality Permit will be obtained for this project.

CORPS PERMIT STATUS

- ☐ No Corps Jurisdiction
- ☐ SPGP (Minimum Impact) - No waiting period; no Corps approval required
- ☐ SPGP (Minor Impact)-Wait 30 days from NHWB issuance date; no written approval from Corps required
- ☐ SPGP (Major Impact)-Wait 30 days from NHWB issuance date; written approval from Corps required
- ☒ Emergency - No waiting period; No written approval from Corps required
- ☒ Amendment - No waiting period; No written approval from Corps required
- ☐ Corps Individual Permit Required

COASTAL ZONE MANAGEMENT (CZM) STATUS

- ☒ Outside of Coastal Zone-consistency finding not necessary from OSP
- ☐ Within Coastal Zone (Non-Federal Action)-consistency finding not necessary from OSP
- ☐ Within Coastal Zone (Federal Action)-if covered by SPGP, or no Corps' jurisdiction, consistency finding is automatic from OSP
- ☐ Within Coastal Zone (Federal Action)-if individual Corps permit, written consistency finding is necessary from OSP

EROSION CONTROL PLAN STATUS

- ☐ Erosion Control Plan Required; Submit Erosion Control Plan to DES Wetlands Bureau

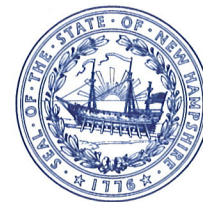
If you have any questions, please call 271-3226.

MRU: mru
Encl.

cc:
BOE Original
Randy Talon- Environmental Coordinator
Lucas Silk, Highway Design



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 04, 2016

NH Department of Transportation
c/o Matt Urban
PO Box 483
Concord, NH 03302-0483

RECEIVED
BUREAU OF ENVIRONMENT
MAY 09 2016
NH DEPARTMENT OF
TRANSPORTATION

RE: NH Department of Transportation - File #2015-01656 - Lancaster
Tax Map/Lot #: R.O.W.

Dear Mr. Urban:

Based upon review of the above referenced application, in accordance with RSA 482-A, the Department of Environmental Services (DES) Wetlands Bureau is hereby approving your after-the-fact request to Amended Emergency Authorization for the installation of an 8 ft. wide x 6 ft. tall concrete box culvert, construction of a 48 in. concrete overflow pipe, construction of a T-block retaining wall, shoulder repair, roadway repair, slope repair, full box reconstruction and guardrail replacement impacting 24,926 sq. ft. (8,839 sq. ft. temporary) of riverine wetlands. NHDOT project 40522.

This approval is subject to the following project specific conditions:

1. Any further work in jurisdiction shall require a new application and approval.

It is also subject to the following general conditions:

1. This after-the-fact approval does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
2. This after-the-fact approval does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required.

The decision to approve this after-the-fact request was based on the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), a replacement of a stream crossing structure in a tier 3 stream.
2. On June 26, 2015 the NH Dept. of Transportation (DOT) requested an emergency permit to replace twin 30 in. culverts with one 48 in. culvert and reconstruct 193 linear feet of river embankment.
3. On June 26, 2015 the NH Dept. of Environmental Services Wetlands Bureau (DES) noted concerns with the culvert sizing considering there were at least two previous approvals.
4. On June 26, 2015 the DES issued an Emergency Authorization reconstruct 193 linear feet of river embankment (2,942 sq. ft.) and roadway that collapsed due to heavy rains. A condition of the emergency permit noted that replacement of the twin 30 in. culverts would require further approval.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3501 • Fax: (603) 271-6683 • TDD Access: Relay NH 1-800-735-2964

5. On July 30, 2015 the DOT and DES met to discuss amending the emergency permit to include a wall for stabilization and reconstruction of the culvert crossing.
6. On August 3, the DES received additional detailed plans and issued an Amended Emergency Authorization for the installation of an 8 ft. wide x 6 ft. tall concrete box culvert, construction of a 48 in. concrete overflow pipe, construction of a T-block retaining wall, shoulder repair, roadway repair, slope repair, full box reconstruction and guardrail replacement with the authorization extended until November 13, 2015 as requested.
7. On Nov. 18, the DES received and granted additional time for completion of the project until Dec. 14, 2015.
8. On Feb. 5, 2016, the DES received an Emergency Follow-up application.
9. Mitigation is not required per Rule Env-Wt 302.03(c)(2)(d) as the project essentially involves work within the existing footprint and the work was required to protect existing infrastructure.
10. The applicant indicates the new structure will pass a 100 yr. storm.
11. The DES has determined the applicant has met the purpose of the current stream rules relative to not causing damage upstream or downstream.

Any person aggrieved by this decision may appeal to the N.H. Wetlands Council ("Council") by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council's rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/wetlands/index.htm>.) Copies of the rules also are available from the DES Public Information Center at (603) 271-2975.

If you have any questions regarding the intent of this approval do not hesitate to contact this office.

Sincerely,



Gino E. Infascelli
Wetlands Inspector
DES Wetlands Bureau

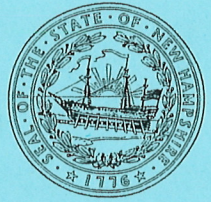
GEI/db

cc: Lancaster Conservation Commission
Lancaster Board of Selectmen



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



NOTICE TO RECIPIENTS OF MAJOR IMPACT N.H. WETLANDS PERMITS

Your permit was approved by the New Hampshire Wetlands Bureau as a major impact project, and your project will be reviewed by the U.S. Army Corps. Of Engineers for possible approval under the Army Corps. New Hampshire State Programmatic General Permit- SPGP. The Army Corps. will notify you within thirty (30) days as to whether you qualify.

*****NO WORK SHOULD BE DONE IN*****
*****WETLANDS UNTIL YOU RECEIVE THAT NOTICE*****

IF YOU DO NOT HEAR FROM THE ARMY CORPS WITHIN THIRTY (30) DAYS,
YOU SHOULD CALL THEM AT 1-800-343-4789.

C: U.S. ARMY CORPS. OF ENGINEERS